

**REMARKS**

Applicant has carefully reviewed the Office Action of December 2, 2004, and offers the following remarks to accompany the above amendments.

Initially, Applicant notes that the three month date for responding was March 2, 2005, and the four month date is April 2, 2004. As the current response is filed within four months of the mailing date of the Office Action, Applicant requests a one month extension of time. Applicant's previously mentioned Credit Card Payment Form in the amount of \$120.00 pays the fee associated with this extension.

Applicant appreciates the indication that claims 5-7, 10, 11, 22-24, 27, and 28 contain allowable subject matter. However, in light of the differences between the amended claims and the references of record, Applicant does not amend these claims into independent form at this time.

Applicant does amend claims 1 and 18 to include the subject matter of claims 3 and 20 respectively. Claims 3 and 20 are canceled as redundant in light thereof. No new matter is added. Applicant further amends claims 1 and 18 to delete reference characters. Again, no new matter is added.

Applicant amends claims 1 and 19 to make the claim terminology consistent and remove any antecedent basis issues that may have gone unnoticed. No new matter is added.

Claims 1-4, 8, 9, 12-21, 25, 26, and 29-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ljubicich or alternatively by Vasa. Applicant respectfully traverses. For the Patent Office to prove anticipation, the Patent Office must show where each and every element of the claim is present in a single reference. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131.

As amended, claims 1 and 18 now recite "wherein the pointer is used by the telephony terminal to access the requested information" as was originally recited in claims 3 and 20. The Patent Office never particularly addresses claim 20, but opines that the subject matter of claim 3 can be found in Vasa, paragraph 0031. Ljubicich is never applied directly to claim 3 or claim 20.

Applicant has carefully studied Ljubicich and finds no teaching or suggestion within Ljubicich that the pointer is used by the telephony terminal to access the requested information. Specifically, the Patent Office has identified Ljubicich's access number as the pointer of Applicant's claims. While the telephony terminal user does use the access number to call the

## Best Available Copy

intended recipient, the telephony terminal user never receives the requested information (i.e., the telephone number) for the researched individual. To this extent, Ljubicich does not teach or suggest that the telephony terminal user ever receives the requested information or accesses the requested information with the access number. Since Ljubicich does not teach or suggest this element, Ljubicich does not anticipate amended claims 1 or 18.

As noted above, the Patent Office's analysis relies on Vasa paragraph 0031 to teach that the pointer is used by the telephony terminal to access the requested information. Applicant respectfully traverses this assertion.

Paragraph 0031 of Vasa states in full:

Generally, then, the present invention comprises a mobile-initiated SMS request for number-related data that allows the user of mobile station 12 to access and receive a variety of information associated with the phone number of interest. In one sense, this functionality provides the user with a fully featured "Reverse Directory Information" service, in which the user enters a number and receives from network 10 one or more data items associated with that number. While such data items have been identified as vCards and vCalendars and/or directory listing information, the present invention is not limited to such data items. Indeed, the number of interest may be a commercial number with which the associated vendor has enabled the delivery of coupons, which may be used by the user for purchasing goods or services from the vendor associated with the number of interest. Such coupons may be returned to the mobile station 12 in a variety of formats and stored in memory 62 for later presentation to the business in question. Indeed, the present invention further includes, in at least some embodiments, additional features that are of particular interest for commercial applications.

Applicant has carefully studied this passage and does not find the recited claim element. That is, while the cited passage indicates that the user enters a number and receives data items such as coupons, there is no indication that the user uses the vCard or directory listing information to receive additional information. The Patent Office has indicated that the URL within the vCard is Applicant's pointer. Thus, for Vasa to show the claim element, the URL would have to be used to access the requested information. Vasa does not teach using the URL to access the requested information. To the contrary, Vasa's system presumes entry of the telephone number of the party about whom directory information is desired, and the return of the vCard and coupons. Nowhere in the passage is there an indication that the telephony terminal ever uses the vCard, coupons, or a URL therewithin to access information. Since the claim recites that "the pointer is used by the telephony terminal to access the requested information", and Vasa does not teach

# Best Available Copy

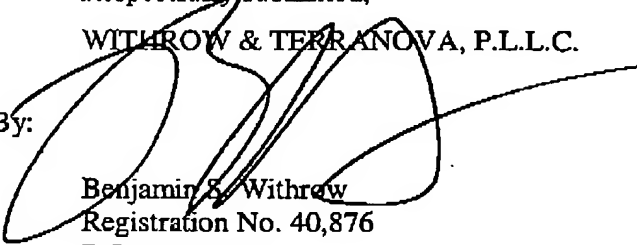
using the vCard's URL to access the requested information, Vasa does not anticipate original claims 3 or 20 (now amended claims 1 and 18). Since Vasa does not anticipate the amended independent claims, Vasa does not anticipate the remaining dependent claims.

Applicant requests reconsideration of the rejection in light of the amendments and remarks presented herein. The references of record do not teach or suggest that the pointer is used by the telephony terminal to access the requested information. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

  
Benjamin S. Withrow  
Registration No. 40,876  
P.O. Box 1287  
Cary, NC 27512  
Telephone: (919) 654-4520

Date: March 29, 2005  
Attorney Docker: 7000-287

<b>CERTIFICATE OF TRANSMISSION</b>		
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:		
Examiner: <u>Smith, Creighton H.</u>	Art Unit: <u>2645</u>	Fax: <u>703-872-9306</u>
<u>REBECCA ROOKS</u> Name of Sender		
<u>Rebecca Rooks</u> Signature		
<u>3/29/05</u> Date of Transmission		